



Office of
the Schools
Adjudicator

Determination

Case reference: **ADA4339 Menorah Foundation School**
ADA4342 Menorah Primary School for Boys
ADA4343 Avigdor Hirsch Torah Temimah School
ADA4344 Menorah Primary School for Girls

Objector: **National Secular Society**

Admission authority: **For each school the admission authority is the governing body for that school.**

Date of decision: **28 November 2024**

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2025 determined by the admission authority for each of the above schools.

I have also considered the various arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to some of the admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within one month of the date of this determination.

The objections

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), a separate objection about the admission arrangements in relation to each of the above schools (the Schools) was referred to the adjudicator by the National Secular Society (the Objector).

Jurisdiction

2. I have concluded that under section 88H(4) of the Act I have jurisdiction to consider the objections.

3. The parties to the cases are set out in Table 1 below:

Table 1

School	Objector	Admission Authority	Rabbinic Authority	Local Authority
Menorah Foundation School (Menorah Foundation)	National Secular Society	The Governing Body of the School	The Union of Orthodox Hebrew Congregations (UOHC)	Barnet London Borough Council
Menorah Primary School for Boys (Menorah Primary Boys)	National Secular Society	The Governing Body of the School	The Golders Green Beth Hamedrash (GGBH)	Barnet London Borough Council
Avigdor Hirsch Torah Temimah School (Torah Temimah)	National Secular Society	The Governing Body of the School	The Union of Orthodox Hebrew Congregations (UOHC)	Brent London Borough Council
Menorah Primary School for Girls (Menorah Primary Girls)	National Secular Society	The Governing Body of the School	The Golders Green Beth Hamedrash (GGBH)	Barnet London Borough Council

4. The admission arrangements for each of the Schools were determined under section 88C of the Act by the school's governing body. When the admission arrangements for each of the Schools were brought to my attention it appeared that there were additional matters, not referred to in the objection, which led me to consider that the admission arrangements did not, or might not, conform with the requirements for admission arrangements. I therefore decided to use my power under section 88I(5) of the Act to consider each Schools' admission arrangements as a whole.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a) the Objector's forms of objection;
 - b) a copy of each school's determined arrangements;
 - c) comments from the admission authorities on the matters raised and supporting documents;
 - d) comments from the Objector on the matters raised and supporting documents; and
 - e) comments from each School's faith body on the matters raised.
7. I have also taken account of information received during a meeting I convened on 18 September 2024 at the communal hall of the Golders Green Beth Hamedrash. The meeting was attended by representatives of the schools and the rabbinic authorities. The Objector was invited but declined the invitation, stating: "As to the meeting of 18 September, I can confirm we will not attend. We would be happy to attend a separate meeting between ourselves and the OSA only". No explanation was given by the Objector for the decision not to attend.

Background

8. All of the Schools are voluntary aided primary schools and all are situated in North London. Each of the Schools is designated as having a Jewish religious character and each has a designated rabbinic authority, which is the faith body for the school. Each of the faith bodies define themselves and the members of their faith as Orthodox Jewish. It is not for me to define that term. However, it has been emphasised to me by the Schools and by the faith bodies that a fundamental aspect of the practice of this faith is living in accordance with the practice set out in Jewish Law. Each of the Schools' admission arrangements refer to this practice, as set out in the Code of Jewish Law, the Shulchan Aruch.
9. The Shulchan Aruch is a very lengthy document. It consists of over 200 chapters, each containing many paragraphs. It sets out the rules for the conduct of daily life and religious observance in great detail. In part the Shulchan Aruch lays down laws of family purity, concerning, amongst other matters, marital relations.
10. **Menorah Primary Boys and Menorah Primary Girls** have the same admission arrangements (save for the gender of the pupils). The faith priority is expressed as being for "Orthodox Jewish children". Orthodox Jewish is defined as having the meaning set out in the Supplementary Information Form (SIF). The applicant is asked on the SIF to confirm the

statement “We are Orthodox Jews as defined below”. The SIF continues: “Orthodox Jewish for the purpose of the Admission Arrangements means persons who answer ‘YES’ to all the following questions and whose main Rabbi also answers ‘YES’ to each of the questions on the Rabbi’s certificate”. The questions all relate to observance of Jewish Law (with some questions which relate only to men not requiring an answer by a female single parent). One of the questions, for all applicants, is “Do you adhere to the laws pertaining to family purity for married couples?”

11. The SIF adds a note, below the questions:

“Standards of Orthodox Jewish observance in relation to the above are set out in the following books:

Kitzur Shulchan Aruch A guide to the practical observance of Shabbos by Rav Y Neuwirth, (Feldheim)

Daughter of Israel – Laws of Family Purity by Kalman Kahana (Feldheim)

The Guidelines series by Rabbi Barclay and Rabbi Jaeger (Menucha Press)

Modesty: An adornment for life by Rabbi Pesach Eliyohu Falk (Feldheim)”.

12. The Rabbi’s certificate asks the Rabbi to certify: “in my opinion and to the best of my knowledge: [...] I am not aware of any evidence that the self-certification of the Parents is incorrect in relation to any elements of private religious observance.”

13. **Menorah Foundation’s** admission arrangements state:

“Priority in admission is given to children of families who are able to demonstrate the highest levels of commitment to the observance of Orthodox Jewish laws, traditions, practices and ethical standards including:

- Adherence to Jewish laws including Shabbos, kashrus, tefilla, tznius and taharas hamishpacha
- Involvement and participation in Jewish adult education and further studies
- Involvement in Orthodox Jewish communal life.”

14. Priority is given to applicants who meet the “Religious Criteria”. An applicant may demonstrate that they meet the “Religious Criteria” by completing the SIF. The SIF states that “any reference to “Jewish law” means such law as is codified in the Shulchan Aruch (the Code of Jewish Law) and the Orthodox commentaries thereon”. The SIF requires the applicant to answer three sets of questions. A “yes” answer is required for all questions in Sections 1 and 2 and to at least 4 of the 5 questions in Section 3. The questions relate to observance of rules of Jewish practice, such as eating only kosher food. Question 6 in Section 1, which requires a “yes” answer, states “Do you observe the halachos of taharas hamishpochah in accordance with Jewish Law?”. Taharas hamishpochah can be translated as the laws of family purity.

15. The SIF also requires a reference from the family's Rabbi. The Rabbi is asked to read the form completed by the applicant's parent(s) and to confirm that "to the best of my knowledge and belief, the information provided by the family/guardian is correct".

16. Torah Temima gives priority on the basis of "commitment to the Faith". The admission arrangements state:

"The commitment to the Faith will be determined by a parent of the applicant verifying both that:

(a) the family of the applicant and (if different) the home in which the applicant spends most of his time is observant of Jewish religious law, including standards of tzniyus (modesty in dress, speech and behaviour) and all aspects of religious observance as defined in halachic works, primarily Shulchan Aruch; and

(b) the applicant (meaning the child for whom the application is being made) does not have access to television, or any unsupervised access to the internet."

17. The SIF requires an applicant's parent(s) to self-certify and sets out the following statement, which the applicant can tick if met:

"The applicant and his family meet the religious practice requirements specified in the admission arrangements, namely:

(a) the family of the applicant and (if different) the home in which the applicant spends most of his time is observant of Jewish religious law, including standards of tzniyus (modesty in dress, speech and behaviour) and all aspects of religious observance as defined in halachic works, primarily Shulchan Aruch; and

(b) the applicant (meaning the child for whom the application is being made) does not have access to television, or any unsupervised access to the internet."

18. The Rabbi's certificate has two alternative forms:

"Either:

I confirm that the Rabbinate of the Union of Orthodox Hebrew Congregations is not aware of any doubt relating to the information and confirmations given above

Or:

I am the Rabbi of _____ congregation. I am familiar with the above as they worship in our Synagogue thrice daily / daily / weekly. I am not aware of any doubt relating to the information and confirmations given above."

19. The relevant provisions of the Code are as follows:

- a) Paragraph 1.10 of the Code sets out the basic principle that “This Code does not give a definitive list of acceptable oversubscription criteria. It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances.”
- b) Paragraph 1.1 of the Code sets out the compliance duty of admission authorities: “Admission authorities are responsible for admissions and **must** act in accordance with this Code, the School Admission Appeals Code, other laws relating to admissions, and relevant human rights and equalities legislation”.
- c) Paragraph 14 of the Code sets out the “Overall principles behind setting arrangements” as “In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”
- d) Paragraph 1.8 of the Code sets out the requirements for oversubscription criteria: “Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated”.
- e) Paragraph 1.9 of the Code begins with a statement of principle and goes on to list matters which are proscribed in relation to admission arrangements. I will set out here parts relevant to this determination:
- f) “It is for admission authorities to formulate their admission arrangements, but they **must not**:
- [...]
- i) prioritise children on the basis of their own or their parents’ past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination)”.
- g) Paragraphs 1.36 to 1.38 of the Code set out provisions relating to faith based oversubscription criteria:
- “Faith based oversubscription criteria in schools designated with a religious character

1.36 As with other publicly funded mainstream schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed.

1.37 Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied. Admission authorities for schools designated with a religious character may give priority to all looked after children and previously looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children of the faith.

1.38 Admission authorities for schools designated as having a religious character must have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code. They must also consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated. Church of England schools must, as required by the Diocesan Boards of Education Measure 19913, consult with their diocese about proposed admission arrangements before any public consultation.”

h) Appendix 1, paragraph 7 of the Code states:

“Admission authorities are also subject to the Public Sector Equality Duty and therefore must have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.”

The Objection

20. The objection is put in essentially the same terms in the objections to the admission arrangements for each of the Schools. The issues raised can be summarised as follows:

- a) The arrangements are unclear as the texts referred to are lengthy and complex and the majority of the English public would not be familiar with them.
- b) The arrangements are unclear as where the texts are referred to by name those names are “non-English words” and are not familiar to the majority of the English public.
- c) Aspects of Jewish law, particularly the law relating to family purity are “an unreasonable requirement to include in admissions policies of a state-funded school” and “not reasonable to include as required beliefs and practices within a school’s admissions policy due to interference with individual’s private, intimate lives, and with their sexuality”.

- d) Overall, the provisions which require adherence to Jewish law are not “reasonable, clear, or fair”.
- e) The difficulty in understanding the meaning of texts referred to “is to such a degree that it is unfair to those for whom English is their second language, or who are otherwise limited in their capacity to research the terminology, either by time or education level.”
- f) The “practice and belief [relating to women as set out in the objections] stigmatises women on the basis of their sex, and also pregnancy and maternity. Its inclusion in the school’s admissions policy is therefore not compatible with the Public Sector Equality Duty”.

Consideration of Case

21. Faith based admission criteria are permitted by the law relating to admissions and by the Code. Religion is a protected characteristic under the Equality Act 2010 (EqA2010). Discrimination in admissions on the ground of a protected characteristic is prohibited by section 85 of the EqA2010:

“85 Pupils: admission and treatment, etc

(1) The responsible body of a school to which this section applies must not discriminate against a person—

(a) in the arrangements it makes for deciding who is offered admission as a pupil;

(b) as to the terms on which it offers to admit the person as a pupil;

(c) by not admitting the person as a pupil.

22. However, there is an exemption in the EqA2010:

“Schedule 11

PART 2

RELIGIOUS OR BELIEF-RELATED DISCRIMINATION SCHOOLS WITH RELIGIOUS CHARACTER ETC

5 Section 85(1) and (2)(a) to (d), so far as relating to religion or belief, does not apply in relation to—

(a) a school designated under section [68A or] 69(3) of the School Standards and Framework Act 1998 (foundation or voluntary school with religious character)”.

23. The Explanatory Note to that paragraph states:

“This paragraph allows schools which have a religious character or ethos (often referred to as faith schools) to discriminate because of religion or belief in relation to

admissions and in access to any benefit, facility or service. It means that faith schools may have admissions criteria which give preference to members of their own religion and it allows them to conduct themselves in a way which is compatible with their religious character or ethos.”

24. The Schools all fall within this exemption and consequently may have “admissions criteria which give preference to members of their own religion and it allows them to conduct themselves in a way which is compatible with their religious character or ethos.” The religion in this case is Jewish, more specifically Orthodox Jewish as defined by the Schools’ faith bodies. Having consulted with their faith body a school may decide “how membership or practice of the faith is to be demonstrated” (paragraph 38 of the Code). I am satisfied that the Schools have consulted as required with the faith bodies. I am also satisfied that the Schools have had regard to guidance from the faith bodies when constructing their faith-based arrangements.

25. In the meeting referred to above, the representatives of the Schools’ and the faith bodies stressed that for them compliance with Jewish Law was a defining character of their faith. To be Orthodox Jewish is to comply strictly with Jewish Law. I find that the oversubscription criteria must be considered in this context.

26. The Code distinguishes between provisions in the oversubscription criteria which give priority to members of the relevant faith (paragraph 38 of the Code) and taking account of religious activities (paragraph 1.9 i) of the Code). The Schools have provisions in the oversubscription criteria which fall into both of these categories. However, in each School the provision which is at issue in the objection, that is observance of Jewish Law, constitutes the demonstration of membership and practice of the faith, because it is such observance which is the essence of being an Orthodox Jew.

27. It is outwith my jurisdiction and outside the scope of this determination to consider the nature of any given faith, membership requirements of that faith or whether the observance and practice of any faith are or are not discriminatory. I am concerned not with the faith itself but rather with whether the means chosen by the Schools, as set out in the oversubscription criteria, for the purpose of ascertaining whether a person is a member of the faith are compliant with the provisions of the Code.

28. I set out this position in the Jurisdiction and Further Information Paper (JFIP) sent to all the parties on 25 June 2024. The Objector did not respond to this point. The relevant paragraphs of the JFIP are as follows:

“it is not part of my jurisdiction to reach any moral or legal conclusions on any of the aspects of the Jewish law referred to in the objection in any wider sense. My functions are confined to deciding whether or not to uphold these objections by reaching a conclusion as to whether the admission arrangements, as determined by each school, comply with the law relating to school admissions.

By way of an example, it is not for me to determine whether the rules on family purity are, in themselves, compliant with the requirements of paragraph 1.8 of the

Code to be reasonable, clear, objective, procedurally fair, and compliant with all relevant legislation, including equalities legislation. My function is to determine whether the provision in the schools' arrangements requiring applicants to self-certify that they adhere to the family purity rules, is compliant with the Code and law relating to admissions. It is important to understand this distinction."

29. Consequently, I will not consider whether Jewish Law, including the laws of family purity are or are not in some way discriminatory. It follows from this that those parts of the objection, as summarised above, which raise these issues do not fall within my jurisdiction. The Objector contends that the admission authority has failed to comply with the Public Sector Equality Duty in determining admission arrangements which refer to the requirements of Jewish Law. The Objector also contends that the admission authority has determined faith-based oversubscription criteria comprising discriminatory requirements which it is not reasonable for a state funded school to include. Since it is not for me to determine whether Jewish Law itself is discriminatory, it cannot fall within my jurisdiction to determine that oversubscription criteria referring to compliance with the requirements of Jewish Law are discriminatory.

30. Nevertheless, the oversubscription criteria must comply with the provisions of the Code by being clear, reasonable, fair and objective. The objector contends that the requirement that an applicant and the applicant's family observe Jewish Law as set out in the Shulchan Aruch including the laws of family purity do not meet these requirements of the Code. I will consider each of these points below.

31. The Schools each require an applicant's parent(s) to self-certify that they observe Jewish Law. In each case Jewish Law is defined by reference to the Shulchan Aruch and by reference generally to commentaries on that work and more specifically to books which elucidate that Law.

32. These references contain many Hebrew words and phrases. Those will have little or no meaning for most people who are not Jewish. The Shulchan Aruch and the commentaries and books referred to will be inaccessible to any reader who is not Jewish or at least would require years of study to be understood and assimilated. There are multiple texts of the Shulchan Aruch and the Schools do not in every case specify the commentaries referred to, for example "“Jewish law” means such law as is codified in the Shulchan Aruch (the Code of Jewish Law) and the Orthodox commentaries thereon”.

33. The objector states that this is not clear and does not comply with the requirement of the Code that “parents can easily understand how any faith-based criteria will be reasonably satisfied” (paragraph 1.37). I accept that parents who are not Jewish would not be able to understand what is meant by the Hebrew words and phrases and would not be familiar with the Shulchan Aruch and commentaries on it.

34. However, I find that that is not what is required by the Code. Each of the Schools give priority to those who are members of the faith, in each case to those who are Orthodox Jews. Any parent reading the admission arrangements will see that requirement and will know, if they are not Orthodox Jews, that they are not members of that faith. That will be

clear to them. The purpose of the clarity requirements in the Code is not to enable a person who is not, in fact, a member of the relevant faith to seek to demonstrate that they are a member of that faith. Its purpose is to enable a parent who is considering making an application to the school to be made aware of how their application will be prioritised under the oversubscription criteria.

35. By contrast those who do consider themselves to be members of the Orthodox Jewish faith will be familiar with the Shulchan Aruch and with books and commentaries explaining Jewish Law. They will be familiar with the laws of family purity. They will know whether they can honestly answer “yes” to the questions posed in the SIF. I find that the relevant parts of the admission arrangements are clear.

36. As I have said above membership of the Orthodox Jewish faith is defined by observance of Jewish Law. Jewish Law stems from the Torah, the Jewish bible, and laws laid out in the books of the Torah, such as Leviticus. These laws have been the subject of lengthy commentaries over centuries and have been codified in, for example the Shulchan Aruch, which, in turn, has been explained and commented on in books such as Kitzur Shulchan Aruch A guide to the Practical Observance of Shabbos, by Rav Y Neuwirth. It would be impossible to reduce this tradition into a form that could be set out in admission arrangements.

37. Given that membership of the faith rests on observance of these laws in practice the only way that a person may demonstrate such observance is to self-certify that they do so in the manner set out in the Schools’ SIFs. As a person who considers themselves to be an Orthodox Jew will know whether they can or cannot honestly answer “yes” to the questions in the SIF. I find that self-certification in this manner is objective.

38. The second part of each SIF is a Rabbi’s certificate. The wording differs slightly between the Schools but in each case the Rabbi is asked to confirm that he is “not in any doubt” or “to the best of my knowledge and belief” or “to the best of my knowledge” that the self-certification given by the applicant parent is true. I accept that a Rabbi cannot know what goes on within the privacy of a person’s home and so cannot absolutely testify to the truth of the applicant parent’s statements. However, that is not what is required. What is required is that the Rabbi states what is in his mind regarding the applicant parent’s statements. That is a fact known to the Rabbi and as such it is objective.

39. I have considered whether the relevant oversubscription criteria are reasonable, that is that they are not irrational or criteria which no rational admission authority would have adopted. Given the nature of Orthodox Jewish faith and the fundamental importance of observance of Jewish Law to that faith I find that the criteria are reasonable.

40. I have also considered whether the criteria are fair. The priority in question applies equally to all those who can demonstrate their membership of the faith. It is lawful to discriminate in favour of members of the faith and no identifiable group or class of people are excluded, only that those of the faith are given an advantage over those who are not. I find that the relevant criteria are fair.

41. In conclusion, I do not uphold the objections.

Other matters

42. I have identified a number of other matters within the admission arrangements of each of the Schools which appeared not to comply with the relevant requirements of admissions legislation and which I will address below. These matters are particular to each School and I will deal with each of the Schools in turn.

Menorah Primary Boys and Menorah Primary Girls

43. Save for the gender of the pupils, the admission arrangements for these two schools are the same.

44. In relation to both of the above schools the SIF has a question, not included in the 2024 arrangements as considered by me in REF4128, relating to the questions to be answered by a parent in order to meet the definition of “Orthodox Jewish” within the admission arrangements.

45. The question is the same for both the above schools, it is question 1 and reads: “Do you consider yourself to be Jewish?”. This raises the issue of “Jewish” as a question of race as well as of religion, which I explored in REF4128 and may, consequently, not be compliant with the Code and law relating to admissions.

46. I also note that the wording introducing the questions still reads: “where the child is being brought up by the mother alone, questions 3 and 4 need not be answered”. The relevant numbers (if the new question is included) are 4 & 5.

47. The school have agreed to ensure that the numbering is accurate and I make no further comment on that point. Regarding the question ““Do you consider yourself to be Jewish?” the representative of the two schools responded to my enquiry on this point as follows:

“We acknowledge that the Supreme Court decision in the JFS case needs to be complied with and for that reason had previously deleted a question requiring that the applicant was “Halachically Jewish”. We also conceded in the previous adjudication under reference REF4128 that the Rabbi would not be asked to confirm that the applicant “is Jewish” as we acknowledged that an Orthodox Jewish Rabbi may well answer that question on the basis of the Shulchan Aruch rather than by reference to the Oxford Dictionary.

In our letter to you dated 23 January 2024, we did indicate that we would give further thought as to inserting an additional question in the SIF which we acknowledge would need to comply with the JFS case.

We did, after careful consideration, think that the additional question which we have added “do you consider yourself to be Jewish?” is a question which fully complies with the JFS decision.

Both Schools are designated as schools having a religious character with the religion being stated by the relevant statutory instrument as being Jewish. We cannot think that parliament can have intended that we need to exclude reference to Jewishness in our admission arrangements.

We are not seeking proof that they are Jewish in accordance with the Shulchan Aruch. We are merely asking the applicant whether he or she considers himself or herself to be Jewish, on whatever basis they have chosen for themselves, whether on an ethnic, racial, cultural or faith based perspective. We have deliberately chosen the wording “do you consider yourself...” to ensure that it is an open and subjective question avoiding the issues in the JFS case. It is a question that asks the applicant how he or she identifies.

Whilst we consider that this question is completely legal, and is our preferred question, if you take a different view, then could you also please consider whether the alternative question of “do you consider yourself to be of the Jewish faith” would be preferable as reference to the Jewish faith would make it clear that we are not talking about the ethnic issues referred to in the JFS case.”

48. I acknowledge the points made. However, it is my view that an applicant parent might also consider that what was required is a declaration that he or she is Jewish in accordance with the Shulchan Aruch or Halachically Jewish. Consequently, it is my view that the alternative question suggested is preferable and should be used instead.

Menorah Foundation

49. In the admission arrangements under the heading “Special Needs” the reference to a “statement of special educational needs” is out of date as no such documents continue to apply. The school’s representative has agreed to update the admission arrangements in this regard and consequently I make no further comment on this point.

50. The matters set out in the SIF in Section 2- “School Ethos” do not relate to the oversubscription criteria and consequently do not comply with the provisions of paragraph 2.4 of the Code, particularly the requirement that an admission authority “**must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria”. The school have agreed to amend the SIF to remove these questions.

51. Section 4, point 4 of the SIF requests information regarding moving into the area that has no direct bearing on decisions about oversubscription criteria for 2025 (although it was relevant to the criteria determined in previous years). Consequently, that part of the SIF does not comply with paragraph 2.4 of the Code.

Torah Temimah

52. The representative of the school has agreed to amend the admission arrangements in accordance with each of my findings below.
53. References to the “Code of Practice on School Admissions (2014) edition” are inaccurate and out of date. The document is called the School Admissions Code (the Code). Although it is unnecessary to refer to a date if reference is made it should be accurate. The latest edition of the Code was published in 2021.
54. Paragraph 3 “Special Educational Needs and Disability (SEND)”. This is the second paragraph numbered 3. The first sentence “Applications for students with SEND are made by SEND teams within local authorities” is inaccurate. Applications regarding pupils with SEND but without an EHCP are dealt with through the normal admissions process.
55. Paragraph 4.3 does not specify a date on which the waiting list is to be closed.
56. Paragraph 5 does not distinguish clearly between late applications and in-year applications, which are set out in paragraphs 2.22 and 2.23 of the Code.
57. Paragraph 6 relating to appeals is repeated later in the document, at greater length. If information on appeals is to be included it should be set out for clarity in one part only.
58. Paragraph 7 to some extent repeats earlier information on deferred entry. It would be clearer to combine these references together to reflect the requirements of the Code.
59. Paragraph 8 of the admission arrangements provided by the school does not have the relevant dates added. If a timetable is to be included, which is not a mandatory requirement, then the dates should be added. I was unable to check the current published arrangements as the link to Brent Council’s admission pages on the school’s website did not work.
60. The sentence in the SIF “If you are applying under the religious practice criterion or for a LAC who is not an orthodox Jew, you must also complete this Supplementary Information Form (SIF)” requires clarification. The phrase “a LAC who is not an orthodox Jew” presumably refers to an applicant under oversubscription criterion 3.2. If so, it should be clear this applies to looked after and previously looked after children. For those applicants most of the SIF is not relevant and those parts which are required to be completed must be clearly identified.
61. The statement “evidence may be required”. There is no indication of what evidence may be required and in what circumstances. In all cases the Rabbinical Certificate is required. If additional evidence is required it should be clear what is required and in what circumstances.

Determination

62. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2025 determined by the admission authority for each of the above schools.

63. I have also considered the various arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to some of the admission arrangements in the ways set out in this determination.

64. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authorities. The School Admissions Code requires the admission authorities to revise their admission arrangements within one month of the date of this determination.

Dated: 28 November 2024

Signed:

Schools Adjudicator: Tom Brooke